

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
April 15, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

JESSE RYAN DYE,

Plaintiff,

v.

RICK ALSBROOK, *et al.*,

Defendants.

Civil Action No. 7:23cv00036

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Jesse Ryan Dye, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By conditional filing orders entered on January 17 and 30, 2023, the court advised Dye that he must notify the court in writing immediately upon his transfer or release and must provide the court with his new address. (*See* ECF Nos. 3 & 5.) The court further advised Dye that failure to provide an updated address would result in dismissal of this action. (*Id.*)

On April 10, 2024, a memorandum opinion and order sent to Dye on March 20, 2024 was returned to the court as undeliverable. (*See* ECF No. 40.) The envelope of the returned mail indicates that Dye is no longer incarcerated in the Virginia Department of Corrections and does not contain a forwarding address. (*Id.*) To date, Dye has not provided the court with an updated address as required by the court's conditional filing orders. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's orders. The court notes that this dismissal is without prejudice to Dye's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to Dye at his last known address and to counsel of record for the defendants.

ENTERED this 15th day of April, 2024.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE